

Senate File 2252 - Introduced

SENATE FILE 2252

BY BOLKCOM

A BILL FOR

1 An Act relating to identification markings on firearms and
2 firearm parts, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 724.33 Identification marks on
2 firearms — manufacturing firearms — penalties.

3 1. As used in this section:

4 *a. "Antique firearm"* means the same as the term is defined
5 in 18 U.S.C. §921.

6 *b. "Department"* means the department of public safety.

7 *c. "Firearm"* means the same as the term is defined in 18
8 U.S.C. §921.

9 *d. "Manufacture"* means to fabricate or construct a firearm,
10 including the initial assembly.

11 *e. "Security exemplar"* means the same as the term is defined
12 in 18 U.S.C. §922.

13 *f. "Unfinished frame or lower receiver"* means a blank,
14 casting, or machined body intended to be turned into the frame
15 or lower receiver of a firearm, with additional machining, and
16 that has been formed or machined to the point at which most
17 major machining operations have been completed to turn the
18 blank, casting, or machined body into a frame or lower receiver
19 of a firearm, even if the fire control cavity area of such
20 blank, casting, or machined body is still completely solid
21 and unmachined. *"Unfinished frame or lower receiver"* does not
22 include a firearm.

23 2. No later than December 1, 2022, the department, in
24 consultation with the bureau of alcohol, tobacco, firearms,
25 and explosives as necessary, shall develop and maintain a
26 system to distribute a unique serial number or other mark of
27 identification to any person requesting such number or mark
28 pursuant to subsection 4 or 5. The department shall provide
29 notice that the system is operational by posting a notification
30 on the department's internet site and by electronically
31 notifying federally licensed firearms dealers. The department
32 shall maintain identifying information of the person requesting
33 the number or mark and of the firearm or unfinished frame or
34 lower receiver for which each number or mark is requested.

35 3. No person shall remove, deface, alter, or obliterate

1 the name of any maker or model, maker's number, unique serial
2 number, or other mark of identification on any firearm.
3 The possession of any firearm upon which any identifying
4 mark, number, or name has been removed, defaced, altered, or
5 obliterated shall be prima facie evidence that the person
6 owning or in possession of such firearm has removed, defaced,
7 altered, or obliterated the identifying mark, number, or name.

8 4. a. A person shall not complete the manufacture of a
9 firearm without subsequently obtaining a unique serial number
10 or other mark of identification from the department pursuant
11 to paragraph "b" and engraving upon or permanently affixing to
12 the firearm such serial number or other mark in a manner that
13 conforms with the requirements imposed on licensed importers
14 and licensed manufacturers of firearms pursuant to 18 U.S.C.
15 §923(i) and any regulation adopted thereunder.

16 b. No later than thirty days after a person completes the
17 manufacture of a firearm, or ninety days after the department
18 provides notice pursuant to subsection 2, whichever date is
19 later, the person shall request a unique serial number or other
20 mark of identification by notifying the department of such
21 manufacture and providing any identifying information to the
22 department concerning the firearm and the owner of such firearm
23 in a manner prescribed by the department. Upon receiving
24 a properly submitted request for a unique serial number or
25 other mark of identification from a person who completes the
26 manufacture of a firearm, the department shall determine if
27 the person is prohibited from purchasing or possessing a
28 firearm. If the person is not prohibited from purchasing or
29 possessing a firearm, the department shall issue to the person
30 a unique serial number or other mark of identification no
31 later than three business days after the person makes such
32 request. Issuance of a unique serial number or other mark
33 of identification pursuant to this subsection shall not be
34 considered evidence that the firearm is otherwise lawfully
35 possessed.

1 *c.* A person shall not transfer to another person a firearm
2 manufactured in violation of this subsection.

3 *d.* A person shall not facilitate, aid, or abet the
4 manufacture of a firearm by a person or for a person who is
5 otherwise prohibited by law from purchasing or possessing a
6 firearm, or that a person is otherwise prohibited by law from
7 purchasing or possessing.

8 *e.* The provisions of this subsection do not apply to the
9 manufacture of a firearm manufactured using an unfinished frame
10 or lower receiver on which a serial number or other identifying
11 mark has been engraved or permanently affixed pursuant to
12 subsection 5.

13 *f.* The provisions of this subsection do not apply to any of
14 the following:

15 (1) The manufacture of firearms by a federally licensed
16 firearms manufacturer.

17 (2) Any antique firearm or any firearm manufactured prior
18 to the effective date of this Act, provided such firearm is
19 otherwise lawfully possessed.

20 (3) The delivery or transfer of a firearm to a law
21 enforcement agency.

22 5. *a.* A person shall not sell, deliver, or otherwise
23 transfer an unfinished frame or lower receiver that does not
24 have a unique serial number or other mark of identification
25 obtained pursuant to the system developed in subsection 2.

26 *b.* A person may request a unique serial number or other mark
27 of identification for an unfinished frame or lower receiver
28 by providing any identifying information to the department
29 concerning the unfinished frame or lower receiver and the
30 owner of such unfinished frame or lower receiver in a manner
31 prescribed by the department. Upon receiving a properly
32 submitted request for a unique serial number or other mark
33 of identification for an unfinished frame or lower receiver,
34 the department shall determine if the person is prohibited
35 from purchasing or possessing a firearm. If the person is

1 not prohibited from purchasing or possessing a firearm, the
2 department shall issue to the person a unique serial number
3 or other mark of identification no later than three business
4 days after the person makes such request or ten days after the
5 department provides notice pursuant to subsection 2, whichever
6 date is later.

7 *c.* A unique serial number or other identifying mark obtained
8 pursuant to paragraph “*b*” shall be engraved upon or permanently
9 affixed to the unfinished frame or lower receiver in a manner
10 that conforms with the requirements imposed on licensed
11 importers and licensed manufacturers of firearms pursuant to 18
12 U.S.C. §923(i) and any regulation adopted thereunder.

13 *d.* A person may arrange in advance to deliver and transfer
14 an unfinished frame or lower receiver to the department or to a
15 police department.

16 *e.* On or after December 1, 2022, a person shall not possess
17 an unfinished frame or lower receiver unless the person is
18 eligible to purchase and possess a firearm under state and
19 federal law.

20 *f.* The provisions of this subsection do not apply to the
21 sale, delivery, or transfer of an unfinished frame or lower
22 receiver between any of the following:

23 (1) A federally licensed firearms manufacturer and a
24 federally licensed firearms dealer.

25 (2) A federally licensed firearms importer and a federally
26 licensed firearms dealer.

27 (3) Multiple federally licensed firearms dealers.

28 6. A person shall not manufacture any firearm from polymer
29 plastic that, after removal of grips, stocks, and magazines,
30 is not as detectable as a security exemplar by walk-through
31 metal detectors calibrated and operated to detect the security
32 exemplar.

33 7. *a.* Except as otherwise provided in paragraph “*b*”, a
34 person who violates a provision of this section commits a class
35 “C” felony.

1 requirements. The bill prohibits a person from transferring
2 to another person a firearm manufactured in violation of the
3 bill or facilitating, aiding, or abetting the manufacture
4 of a firearm by a person or for a person who is otherwise
5 prohibited by law from purchasing or possessing a firearm, or
6 that a person is otherwise prohibited by law from purchasing
7 or possessing.

8 The prohibitions relating to the manufacture or transfer
9 of firearms that do not have a proper identifying mark do not
10 apply to the manufacture of a firearm manufactured using an
11 unfinished frame or lower receiver on which a serial number
12 or other identifying mark has been engraved or permanently
13 affixed; to the manufacture of firearms by a federally licensed
14 firearms manufacturer; to any antique firearm or any firearm
15 manufactured prior to the effective date of the bill, provided
16 such firearm is otherwise lawfully possessed; or to the
17 delivery or transfer of a firearm to a law enforcement agency.

18 The bill prohibits a person from selling, delivering, or
19 otherwise transferring an unfinished frame or lower receiver
20 that does not have a unique serial number or other mark of
21 identification obtained pursuant to the bill. Beginning
22 December 1, 2022, a person shall not possess an unfinished
23 frame or lower receiver unless the person is eligible to
24 purchase and possess a firearm under state and federal law.
25 These provisions do not apply to the sale, delivery, or
26 transfer of an unfinished frame or lower receiver between
27 a federally licensed firearms manufacturer and a federally
28 licensed firearms dealer, a federally licensed firearms
29 importer and a federally licensed firearms dealer, or multiple
30 federally licensed firearms dealers.

31 The bill prohibits a person from manufacturing any firearm
32 from polymer plastic that, after removal of grips, stocks,
33 and magazines, is not as detectable as a security exemplar by
34 walk-through metal detectors calibrated and operated to detect
35 the security exemplar.

1 Generally, a person who violates a provision of the bill
2 commits a class "C" felony. However, a person who sells,
3 delivers, or otherwise transfers an unfinished frame or lower
4 receiver in violation of the provisions of the bill knowing
5 that such unfinished frame or lower receiver is stolen or that
6 the manufacturer's number or other mark of identification on
7 such unfinished frame or lower receiver has been altered,
8 removed, or obliterated commits a class "B" felony. Any
9 firearm or unfinished frame or lower receiver possessed in
10 violation of the bill shall be forfeited to DPS.

11 A class "C" felony is punishable by confinement for no more
12 than 10 years and a fine of at least \$1,370 but not more than
13 \$13,660. A class "B" felony is punishable by confinement for
14 no more than 25 years.